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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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KATHRYN TOWNSEND GRIFFIN, HELEN  
MCDONALD, and THE ESTATE OF  
CHERRIGALE TOWNSEND,

17 Civ. 5221 (LLS)

Plaintiff,

PRETRIAL ORDER NO. 4

- against -

EDWARD CHRISTOPHER SHEERAN, p/k/a  
ED SHEERAN, ATLANTIC RECORDING  
CORPORATION, d/b/a ATLANTIC  
RECORDS, SONY/ATV MUSIC PUBLISHING,  
LLC, and WARNER MUSIC GROUP  
COPRORATION, d/b/a ASYLUM RECORDS,

Defendant.

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Having read the parties' submissions, the order in which  
the case will proceed is as follows:

- (1) Openings on liability, without reference to damages;
- (2) Plaintiffs' witnesses, direct and cross, on liability;
- (3) Defendants' witnesses, direct and cross, on liability;
- (4) Closings, jury instructions and verdict on liability;
- (5) If plaintiffs prevail on liability, openings on damages;
- (6) Plaintiffs' case on damages
- (7) Defendants' case on damages;
- (8) Closings, jury instruction and verdict on damages.


During the first segment of the trial, there is to be no  
reference, by proof, argument, comment or in any other manner,  
to the amount of damages or any measurement of the harm claimed  
to have been inflicted by the defendants' infringement. The

focus will be entirely on whether or not the defendants' work is infringing.

This may result in some witnesses testifying twice. That is not an infrequent occurrence; jurors take it in their stride without confusion; and the two presentations, divided by deliberation and a verdict, will assist in keeping clear and adjudicating separately the issues of infringement and the measure of damages.

So ordered.

Dated: New York, New York  
October 5, 2020

  
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LOUIS L. STANTON  
U.S.D.J.